



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/002,133 12/31/97 REDDY

P 97-0461-LIP

IM22/0121

UNILEVER  
PATENT DEPARTMENT  
45 RIVER ROAD  
EDGEWATER NJ 07020

EXAMINER

PADEN, C

ART UNIT

PAPER NUMBER

1761

DATE MAILED:

01/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/002133

Applicant(s)

Reddy

Examiner

Paden

Group Art Unit

1761

---The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address---

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 12-6-99
- ☒ This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-26 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-26 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is approved ☐ disapproved ☐.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All ☐ Some\* ☐ None ☐ of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ Interview Summary, PTO-413
- Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other \_\_\_\_\_

Office Action Summary

Art Unit: 1761

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art at pages 1 and 2 of the specification in view of Wesdorp and Singer for reasons of record.

Applicant argues that Wesdorp does not teach a product with a lipophilic flavor. This has been considered but is not persuasive because Wesdorp requires that the product contains a flavor at column 18, line 39. Applicant urges that there is no suggestion in the art to use the flavoring of Singer in a very low fat food. This has been considered but is not persuasive because the Singer reference teaches that his flavor delivery system allows for enhanced flavor compounds to be added to his flavorant to permit improved flavor in non-fat and low-fat foods.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesdorp in view of Singer for reasons of record.

Applicant argues that Wesdorp does not teach a product with a lipophilic flavor. This has been considered but is not persuasive because Wesdorp requires that the product contains a flavor at column 18, line 39. Applicant urges that there is no suggestion in the art to use the flavoring of Singer in a very low fat food. This has been considered but is not persuasive because the Singer

Art Unit: 1761

reference teaches that his flavor delivery system allows for enhanced flavor compounds to be added to his flavorant to permit improved flavor in non-fat and low-fat foods.

Claims 1 and 3-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heertje in view of Singer.

Applicant argues that Heertje does not teach a product with a lipophilic flavor. This has been considered but is not persuasive because Heertje requires that the product contains a flavor at example 1. Applicant urges that there is no suggestion in the art to use the flavoring of Singer in a very low fat food. This has been considered but is not persuasive because the Singer reference teaches that his flavor delivery system allows for enhanced flavor compounds to be added to his flavorant to permit improved flavor in non-fat and low-fat foods.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 1761

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Paden whose telephone number is (703) 308-3294. The examiner can normally be reached on Monday to Friday from 8:30 to 4:00.

The fax phone number for this Group is (703) 305-3599 or 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

*Carolyn Paden*

1-20-00

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